

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

M. AMELIA (NEAL) JERMANO,

Plaintiff,

vs.

Case No. 11-10739

OFFICER TROY TAYLOR, et al,

HON. AVERN COHN

Defendants.

ORDER

ADOPTING REPORTS AND RECOMMENDATIONS (Docs. 99, 100, 101)

AND

**GRANTING CHRISTOPHER JAHNKE AND ROYAL OAK POLICE DEPARTMENT'S
MOTION FOR JUDGMENT ON THE PLEADINGS (Doc. 49)**

AND

**GRANTING DEFENDANTS JESSICA COOPER, JOANNE PRAY, OAKLAND
COUNTY JAIL, and MICHAEL BOUCHARD'S MOTION TO DISMISS OR FOR
SUMMARY JUDGMENT (Doc. 58)**

AND

**GRANTING DEFENDANTS COMMON GROUND, SHAWN FORCE, AND MELISSA
FELICE'S MOTION FOR JUDGMENT ON THE PLEADINGS (Doc. 64)**

I.

This is a civil rights case. Plaintiff filed a pro se civil complaint on February 23, 2011, naming 48 defendants in 25 counts, including members of the Oak Park and Troy, Michigan police departments. The second amended complaint pertains to the alleged actions by various police officers and agencies, and a state criminal action against her for violating a PPO and aggravated stalking. Plaintiff makes claims for violations of her constitutional rights under 42 U.S.C. §§ 1983, 1985 and 1986, violations of various federal criminal statutes and a number of state law claims.

The matter was referred to a magistrate judge for pretrial proceedings. As will be

explained, several defendants filed dispositive motions and some defendants have already been dismissed based on those motions.¹ Currently, before the Court are the following motions :

- Christopher Jahnke and Royal Oak Police Department's Motion for Judgment on the Pleadings (Doc. 49)
- Jessica Cooper, Joanne Pray, Oakland County Jail, and Michael Bouchard's Motion to Dismiss or for Summary Judgment (Doc. 58)
- Common Ground, Shawn Force, and Melissa Felice's Motion for Judgment on the Pleadings (Doc. 64)

On July 30 and 31, the magistrate judge issued separate reports and recommendations (MJRR) on each motion, recommending that each motion be granted. (Docs. 99, 100, 101). Neither party has objected to the MJRRs and the time for filing objections has long since passed.²

II.

A failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370,

¹The City of Troy Police Department, Troy Police Officers Scott La Mitza, Edwin Julian, and Timothy Garcher and City of Troy Civil Service Commission member David Cannon filed a motion to dismiss or for summary judgment. (Doc. 24). The magistrate judge issued a MJRR, recommending that the motion be granted. (Doc. 67) Plaintiff objected (Doc. 73). Then, plaintiff's court-appointed attorney in state court, Michael McCarthy filed a motion to dismiss (Doc. 30). Finally, plaintiff's other court-appointed attorneys in state court, Martin Krohner and Dean Eldon, (Doc. 33) also filed a motion to dismiss. The magistrate judge issued a MJRR recommending that both motions be granted. (Doc. 67). Plaintiff objected. (Doc. 75).

The Court overruled plaintiff's objections, adopted both MJRRs, granted the defendants' summary judgment motions, and dismissed those defendants from the case. (Doc. 79).

²The docket sheet shows that the MJRRs were twice mailed to plaintiff's address of record, a P.O. Box in Birmingham.

1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge. As explained in the MJRRs, plaintiff has not made out a viable claim against any of the moving defendants.

IV.

Accordingly, the MJRRs are ADOPTED as the findings and conclusions of the Court. Christopher Jahnke and Royal Oak Police Department's Motion for Judgment on the Pleadings is GRANTED. Jessica Cooper, Joanne Pray, Oakland County Jail, and Michael Bouchard's Motion to Dismiss or for Summary Judgment is GRANTED. Common Ground, Shawn Force, and Melissa Felice's Motion for Judgment on the Pleadings is GRANTED. Plaintiff's claims against these defendants are DISMISSED WITH PREJUDICE.³

SO ORDERED.

Dated: **SEP 12 2012**
Detroit, Michigan



AVERN COHN
UNITED STATES DISTRICT JUDGE

³Several defendants remain in the case. Exhibit A (attached) is a listing of the remaining defendants, broken down by those without pending motions, and those who have pending dispositive motions which are before the magistrate judge for report and recommendation.